

REMARKS

This responds to the Office Action mailed on November 8, 2005, and the references cited therewith.

Claims 2-3, 9-10, 12-13, 15-25, 28-30, and 33-34 are amended, claims 31-32 and 35-36 are canceled, and claims 38-41 are added; as a result, claims 1-30, 33-34, and 37-41 are now pending in this application.

Most of the amendments attend to typographical or editorial errors, many of which were pointed out by the Examiner. Applicants thank the Examiner for her close inspection of the pending claims. The amendments to claims 15 and 16 are supported by the specification at least at paragraph [0088] (Example 3) and paragraph [0090] (Example 5). No new matter has been added by way of the amendments.

Oath / Declaration

The Examiner asserted that the oath/declaration was defective because the full name of the sixth inventor, Amresh, was allegedly not set forth. A new oath or declaration was requested in compliance with 37 C.F.R. 1.67(a). A Communication re: Inventor Name is included with this response. The Communication states that Amresh has only one given name, which is not uncommon in Amresh's native country of India. Accordingly, Applicants respectfully request withdrawal of the objection to the oath/declaration.

§112, First Paragraph Rejection of the Claims

Claim 31 was rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking adequate description or enablement. While the Applicants respectfully disagree with the Examiner's assertion, claim 31 has been cancelled to facilitate prosecution of this application.

§112, Second Paragraph Rejection of the Claims

Claims 2, 3, 9, 10, 12, 13, 15-26 and 29-36 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. While Applicants respectfully disagree with the Examiner's rejection of claim 32 and 35-36, these claims have been cancelled to facilitate

prosecution of this application. In light of the amendments to claims 2, 3, 9, 10, 12, 13, 15-26, 29-30, and 33-34, these rejections are respectfully traversed.

The Examiner rejected claim 2 because the term "anti-spasmodic" is not a gastrointestinal disorder. The claim has been amended to recite "a spasmodic disorder".

The Examiner rejected claim 3 because it is allegedly unclear what amounts are encompassed by the term "high antioxidant". The claim has been amended to recite "plant extracts having antioxidant... properties".

The Examiner rejected claim 9 rendered indefinite by the use of parentheses. The claim has been amended to remove the parentheses.

The Examiner rejected claims 12 and 25 because the phrase "wherein the lubricants used are from starch and lactose" allegedly renders the claim indefinite. In order to clarify claims 12 and 25, they have been amended to recite "wherein the lubricant is starch or lactose."

The Examiner rejected claim 13 because the phrase "the 66.7% w/w sugar syrup" lacked antecedent basis. Claim 13 has been amended to correct the error and claim. For the Examiner's convenience, it is noted that claim 38 has been added, which is dependant upon claim 13.

The Examiner rejected claim 15 because the phrase "the part" in line 3 lacked antecedent basis, and because of the term "coarse". The claim was also rejected because the Examiner asserted that it was unclear what the phrase "the plant material" in step e was referring to. Claim 15 has been amended to clarify each of these editorial errors. For the Examiner's convenience, it is noted that claim 15 has also been amended to independent form, and step e has been removed. The subject matter of step e is reflected in new claim 39. New claims 40 and 41 reflect the subject matter of the amended portions of steps f and g.

The Examiner rejected claim 16 because it allegedly conflicted with claim 15, and because of the phrase "a group comprising". Claim 16 has been amended to delete the phrase "a group comprising", which has been replaced by the term "comprise". The amendments to claims 15 and 16 are believed to obviate the Examiner's rejection of claim 16.

The Examiner rejected claim 17 because it referred to "the extraction" in step b. Applicants thank the Examiner for pointing out this typographical error. Claim 17 has been amended to properly refer to the extraction in "step (d)".

The Examiner rejected claim 18 because it does not recite all four of the plants recited in claim 15. Claim 15 was amended to clarify that the species *Buchanania lanzan* is an optional element of that claim. Applicants respectfully submit that the amendment to claim 15 obviates the rejection of claim 18. The amendment to claim 18 corrects a minor typographical error.

The Examiner rejected claim 22 because it refers to the alcohol used in step f, which was a concentration step. Applicants thank the Examiner for pointing out this typographical error. Claim 22 has been amended to properly refer to the extracts of plants obtained in "step (d)".

Claims 10, 23, and 29 were rejected because of the improper Markush language "a group comprising". Claims 10, 23, and 29 have been amended to remove the improper Markush language.

Claims 30-36 were rejected because the phrase "the applied dosage" lacked antecedent basis. Claims 31-32 and 35-36 have been cancelled. Claims 30, 33, and 34 have been amended to properly refer to the dosage recited in claim 27.

Claim 30 was also rejected because it was allegedly unclear how the percent protection is measured. Dependant claim 30 has been amended to simply recite an amount of dosage for claim 29.

Claims 33 and 34 were rejected because it was allegedly unclear if the concentrations of sodium and potassium, respectively, referred to the concentrations of said elements in the accumulated fluid. Claims 33 and 34 have been amended to clarify this reference, and the method of determining the recited ranges.

With respect to claims 2, 3, 9, 10, 12, 13, 15-26, and 29-30 and 33-34, Applicants respectfully submit that the amendments to the claims obviate each of the rejections of those claims discussed above. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

Allowable Subject Matter

On page 6 of the Office Action, the Examiner stated that all claims have been found free of the prior art. Also, claims 1, 4-8, 11, 14, 27, 28, and 37 were found to be allowable. Applicants thank the Examiner for this favorable assessment.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 359-3270 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

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By their Representatives,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8 day of March, 2006.

JOHN D. GUSTAV-WRATHALL

Name


Signature